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29 Attorneys for Plaintiff and Counterclaim Defendant IGT

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31 IN THE UNITED STATES DISTRICT COURT
32
33 FOR THE DISTRICT OF NEVADA

34 IGT,
35 Plaintiff,
36 v.
37 ARISTOCRAT TECHNOLOGIES, INC.,
38 Defendant.

39 CASE NO. 2:15-cv-00473-GMN-GWF

40 ~~PROPOSED~~ STIPULATED CASE
41 MANAGEMENT ORDER

42 ARISTOCRAT TECHNOLOGIES, INC.,
43 ARISTOCRAT TECHNOLOGIES
44 AUSTRALIA PTY. LTD., and
45 ARISTOCRAT INTERNATIONAL PTY. LTD.,

46 Counterclaim Plaintiffs,
47 v.
48 IGT,
49 Counterclaim Defendant.

1 Plaintiff/Counterclaim Defendant IGT (“IGT”), Defendant/Counterclaim Plaintiff Aristocrat
 2 Technologies, Inc. (“ATI”), and Counterclaim Plaintiffs Aristocrat Technologies Australia Pty Ltd.
 3 and Aristocrat International Pty Ltd. (together with ATI, “Aristocrat”) submit this proposed case
 4 management order pursuant to the Court’s Order of February 9, 2016, Dkt. No. 98.

5 **I. NUMBER OF PATENTS PER SIDE**

6 The parties agree that IGT may assert five patents and Aristocrat may assert four patents in
 7 the first phase.

8 **II. IGT’S COUNTERCLAIMS**

9 The parties agree that IGT may pursue its counterclaims for breach of contract and
 10 conversion as part of the first phase (subject to Aristocrat’s pending motion to dismiss (Dkt. No.
 11 101)).

12 **III. STAY PENDING IPR**

13 The parties agree that, in the event IGT chooses to include one or more of the four
 14 Kaminkow patents in the first phase, Aristocrat may move to stay IGT’s claims concerning
 15 infringement of those patents pending the outcome of IPR proceedings. IGT can oppose the motion
 16 in due course. In the event that the Court grants Aristocrat’s motion to stay and the PTO institutes
 17 IPR on the Kaminkow patent(s) that IGT selects for the first phase,¹ IGT will be permitted to
 18 substitute up to two of those Kaminkow patents with either (i) Kaminkow patents for which the PTO
 19 does not institute IPR (and which IGT does not initially select for the first phase), or (ii) non-
 20 Kaminkow patents. If IGT wishes to substitute different Kaminkow patents, IGT will wait until
 21 after the PTO issues its institution decision on those patents before making the substitution.

22 The parties further agree that, with the exception of the motion to stay the Kaminkow patents
 23 noted above, neither party will move to stay any other patent chosen for the first phase pending the
 24 outcome of IPR proceedings.

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 28 ¹ If the Court grants Aristocrat’s motion to stay before the PTO issues its decision on whether to
 29 institute IPR on the Kaminkow patent(s) included in the first phase and the PTO subsequently denies
 30 institution, the parties agree that the stay will automatically dissolve.

1 **IV. SUBSTITUTION OF PATENTS**

2 The parties agree that, aside from the substitution mechanism for the Kaminkow patents
 3 outlined above, either party may move to substitute a first-phase patent upon a showing of good
 4 cause.

5 **V. PROPOSED SCHEDULE**

6 The parties propose the following schedule for the first phase of the case:

Event	Proposed Deadline
Court enters this case management Order	3/1/16
Parties identify the patents they will assert in first phase	7 days after filing of case management order: 3/4/16
Initial infringement contentions pursuant to L.R. 16.1-6 for any patent included in the first wave for which initial infringement contentions have not yet been completed (not including the items required by L.R. 16.1-6(g)) <i>(This date will not be included in the schedule if neither party selects for the first phase a patent for which initial infringement contentions have not yet been completed.)</i>	7 days after identification of first-phase patents: 3/11/16
Initial non-infringement and invalidity contentions pursuant to L.R. 16.1-8 for any patent included in the first wave for which initial non-infringement and invalidity contentions have not yet been completed <i>(This date will not be included in the schedule if neither party selects for the first phase a patent for which initial non-infringement and invalidity contentions have not yet been completed.)</i>	45 days after service of initial infringement contentions for any new patents: 4/25/16
Responses to non-infringement and invalidity contentions for all patents in first phase (L.R. 16.1-10)	14 days after initial non-infringement and invalidity contentions for any new patents: 5/9/16 <i>(In the event that neither party selects for the first phase a patent for which initial contentions have not yet been completed, this deadline will be 14 days after identification of the first-phase patents: 3/18/16)</i>
Pre-claim construction settlement conference (L.R. 16.1-19)	Within 30 days after completion of all Contentions (or at the Court's convenience)

1 2 3 4	Exchange of proposed terms for claim construction for patents in first phase (L.R. 16.1-13)	14 days after response contentions: 5/23/16 <i>Or 4/1/16 if neither party selects for the first phase a patent for which initial contentions have not yet been completed.</i>
5 6 7	Exchange of preliminary claim constructions and extrinsic evidence for patents in first phase (L.R. 16.1-14)	35 days after exchange of proposed terms for claim construction: 6/27/16 <i>Or 5/6/16 if neither party selects for the first phase a patent for which initial contentions have not yet been completed.</i>
8 9	Joint claim construction and pre-hearing statement for patents in first phase (L.R. 16.1-15)	28 days after exchange of preliminary claim constructions and extrinsic evidence: 7/25/16 <i>Or 6/3/16 if neither party selects for the first phase a patent for which initial contentions have not yet been completed.</i>
10 11 12	Opening claim construction briefs for patents in first phase (L.R. 16.1-16)	30 days after joint claim construction and pre-hearing statement: 8/24/16 <i>Or 7/5/16 if neither party selects for the first phase a patent for which initial contentions have not yet been completed.</i>
13 14 15 16 17 18 19	Claim construction response briefs for patents in first phase (L.R. 16.1-16)	30 days after opening claim construction briefs: 9/23/16 <i>Or 8/4/16 if neither party selects for the first phase a patent for which initial contentions have not yet been completed.</i>
20 21 22 23	Claim construction reply briefs for patents in first phase (L.R. 16.1-16)	21 days after claim construction response briefs: 10/14/16 <i>Or 8/25/16 if neither party selects for the first phase a patent for which initial contentions have not yet been completed.</i>
24 25	Post-claim construction settlement conference (L.R. 16.1-19)	Within 30 days after claim construction ruling (or at the Court's convenience)
26 27 28	Identification of products that practice the patents and accompanying document production for patents in first phase (L.R. 16.1-6(g) and 7(e)) Interim status report (L.R. 26-3) Close of fact discovery for patents in first phase (L.R. 26-1(e)(1))	30 days after <i>Markman</i> ruling 60 days after <i>Markman</i> ruling 120 days after <i>Markman</i> ruling

1	Opening expert reports for patents in first phase (L.R. 26-1(e)(3))	30 days after close of fact discovery
2	Rebuttal expert reports for patents in first phase	30 days after opening expert reports
3	Reply expert reports for patents in first phase	15 days after rebuttal expert reports
4	Close of expert discovery for patents in first phase	100 days after close of fact discovery
5	Filing of dispositive motions for patents in first phase (L.R. 26-1(e)(4))	30 days after close of expert discovery
6	Pretrial Order for first phase (L.R. 26-1(e)(5))	60 days after ruling on dispositive motions (or 60 days after close of expert discovery if no dispositive motions are filed)
7	Pretrial Settlement Conference (L.R. 16.1-19)	Within 30 days of filing of pretrial order

In the event that either party is permitted to substitute patents for the first phase, the parties will meet and confer in a good-faith effort to agree on a schedule for the substituted patents. The foregoing does not preclude a party from opposing substitution based on lack of good cause, including that the proposed substitution would delay the existing schedule.

1 Respectfully submitted this 26th day of February, 2016.

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21 Attorneys for Defendant/Counterclaim Plaintiff
Aristocrat Technologies Inc., and Counterclaim
22 Plaintiffs Aristocrat Technologies Australia Pty
Ltd. and Aristocrat International Pty Ltd.

23 IT IS SO ORDERED.

24 
25 _____
26 UNITED STATES MAGISTRATE JUDGE

27 DATED: March 2, 2016
28 _____

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of March, 2016, a true and correct copy of the
[PROPOSED] STIPULATED CASE MANAGEMENT ORDER was electronically filed with the
Clerk of the Court by using the CM/ECF service which will provide copies to all counsel of record
registered to receive CM/ECF notifications in this case.

/s/ Adam K. Mortara
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